

COUNTY NOTICES OF PROPOSED RULEMAKING

Pursuant to A.R.S. § 49-112(A) or (B)

NOTICE OF PROPOSED RULEMAKING

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT AIR QUALITY DIVISION

1. Heading and number of the proposed rule, ordinance, or other regulations:

Rule 100 (General Provisions And Definitions)

Rule 220 (Non-Title V Permit Provisions)

Rule 500 (Attainment Area Classification)

New Rule 130 (Emergency Provisions)

New Rule 140 (Excess Emissions Due To Malfunction, Startup, Shutdown, and Scheduled Maintenance)

New Rule 201 (Emissions Caps)

New Appendix D (List Of Insignificant Activities)

New Appendix E (List Of Trivial Activities)

2. Summary of the proposed rules, ordinance, or other regulations:

Rules 100 (General Provisions and Definitions), 220 (Non-Title V Permit Provisions), New Rule 201 (Emissions Caps), New Appendix D (List Of Insignificant Activities), and New Appendix E (List Of Trivial Activities):

This rulemaking package is called the Facility Change Rulemaking Package. It corresponds with the Arizona Department Of Environmental Quality's (ADEQ's) proposed Facility Change rules draft June 11, 1999.

On September 3, 1998, October 29, 1998, December 17, 1998, June 17, 1999, and December 16, 1999, Maricopa County conducted Public Workshops to discuss proposed revisions to Rules 100 and 220, new Rule 201, new Appendix D (List Of Insignificant Activities), and new Appendix E (List Of Trivial Activities). Maricopa County will further discuss these changes during the Public Hearing scheduled for May 3, 2000.

Rules 100 (General Provisions and Definitions) and 500 (Attainment Area Classification):

Maricopa County is proposing to revise Rules 100 and 500 in order to address the EPA's written comments dated July 10, 1998 regarding the New Source Review/Prevention of Significant Deterioration (NSR/PSD) Permit Rules. Maricopa County conducted a Public Workshop on December 16, 1999 and will further discuss these changes during the Public Hearing scheduled for May 3, 2000.

Rule 100 (General Provisions And Definitions), New Rule 130 (Emergency Provisions), and New Rule 140 (Excess Emissions Due To Malfunctions, Startup, Shutdown, and Scheduled Maintenance):

This rulemaking package is called the Excess Emissions Rulemaking Package. Maricopa County is proposing to delete Section 501 (Emergency Provision) and Section 502 (Excess Emissions) from Rule 100 and is proposing to write each section as an individual rule; Rule 100, Section 501 will become New Rule 130 (Emergency Provisions), and Rule 100, Section 502 will become New Rule 140 (Excess Emissions Due To Malfunctions, Startup, Shutdown, and Scheduled Maintenance). Maricopa County conducted a Public Workshop on December 16, 1999 and will further discuss these changes during the Public Hearing scheduled for May 3, 2000.

3. A demonstration of the grounds and evidence of compliance with A.R.S. 49-112(A) or A.R.S. 49-112(B):

The Control Officer of the Maricopa County Environmental Services Department affirms the following:

Pursuant to A.R.S. § 49-112(A), as enacted in 1994, Maricopa County may adopt rules that are more stringent than or in addition to a provision of the State, provided that the rule is necessary to address a peculiar local condition; and if it is either necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible or if it is required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule is equivalent to federal statutes or regulations; and if any fee adopted under the rule will not

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exceed the reasonable costs of the county to issue and administer that permit program.

Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County is proposing to adopt revisions to Rules 100, 220, 500 and is proposing to adopt New Rules 130, 140, 201, Appendix D, and Appendix E that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rules adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

The Section 112(B) demonstration does not apply because these particular rules are in that portion of Maricopa County's air quality program, which is administered under direct statutory authority. Therefore, these rules are not being adopted/revised in lieu of a state program.

4. Name and address of the person to whom persons may address questions or comments

Name: Johanna Kuspert, Air Quality Planner
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004
Telephone: (602) 506-6710
Fax: (602) 506-6179

5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations

Name: Maricopa County Environmental Services Department
Air Quality Division
Address: 1001 North Central Avenue, #201
Phoenix, Arizona 85004
Telephone: (602) 506-6010
Fax: (602) 506-6179

NOTICE OF PUBLIC HEARING ON PROPOSED RULEMAKING

MARICOPA COUNTY ENVIRONMENTAL SERVICES DEPARTMENT

AIR QUALITY DIVISION

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject to the public hearing

Rule 100 (General Provisions And Definitions)
Rule 220 (Non-Title V Permit Provisions)
Rule 500 (Attainment Area Classification)
New Rule 130 (Emergency Provisions)
New Rule 140 (Excess Emissions Due To Malfunction, Startup, Shutdown, and Scheduled Maintenance)
New Rule 201 (Emissions Caps)
New Appendix D (List Of Insignificant Activities)
New Appendix E (List Of Trivial Activities)

2. Date, time, and location of public hearing scheduled

Date: Wednesday, May 3, 2000
Time: 9:00 a.m.
Location: Maricopa County Board of Supervisors Auditorium
205 W. Jefferson St.
Phoenix, Arizona

Nature Of Public Hearing: To discuss and approve the above listed rules

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3. County personnel to whom questions and comments may be addressed

Name: Johanna Kuspert, Air Quality Planner
Address: Maricopa County Environmental Services Department
Air Quality Division
1001 North Central Avenue, #201
Phoenix, Arizona 85004
Telephone: (602) 506-6710
Fax: (602) 506-6179

4. Any other pertinent information concerning the above described rules, ordinance, or other regulations

Please refer to the Notice of Proposed Rulemaking that appears in this issue of the Arizona Administrative Register (page 1181).